

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Chapter 12
Larry Lee Wisser,	:	
Cathleen Rachel Wisser,	:	Bky. No. 20-14201 - PMM
	:	
Debtors.	:	

**ORDER GOVERNING PROCEDURES FOR EVIDENTIARY HEARING
ON (I) CHAPTER 12 TRUSEE'S AMENDED MOTION TO DISMISS
WITH PREJUDICE AND (II) CONFIRMATION OF CHAPTER 12 PLAN**

AND NOW WHEREAS, the Court having **SCHEDULED** a continued hearing (“the Hearing”) for **Tuesday, August 31, 2021 at 1:00 PM** on the Amended Motion to Dismiss Case *with Prejudice* (“the Motion”) filed on May 27, 2021, Doc. # 77 and confirmation of the Debtors’ Second Amended Chapter 12 Plan, filed April 15, 2021, Doc. # 67;

It is therefore ORDERED that the parties shall comply with the following procedures in connection with the Hearing:

Pre-Hearing Disclosure Requirements

1. **On or before August 24, 2021**, any party intending to call a witness to testify shall file and serve¹ a Witness List setting forth the following:
 - a. the name and title of the witness;
 - b. a summary of subject matter of the anticipated testimony.

¹ It is contemplated and preferred that all service required by this Order will be accomplished by e-mail. However, other means of service are acceptable so long as the document to be served is received within one (1) business day of service.

2. **On or before August 24, 2021**, any party intending to offer into evidence any exhibits in its case in chief or otherwise use at the Hearing shall:
 - a. pre-mark each exhibit;
 - b. serve each party who has appeared in the matter(s) being heard at the Hearing with a list of each exhibit (“the Exhibit List”);
 - c. serve each party with each pre-marked exhibit on the Exhibit List;²
 - d. deliver the Exhibit List and the exhibits to the Court by e-mailing them to Judge Mayer’s Chambers ([Chambers of Judge Patricia Mayer@paeb.uscourts.gov](mailto:Chambers_of_Judge_Patricia_Mayer@paeb.uscourts.gov)) and to the Courtroom Deputy at [Barbara Spinka@paeb.uscourts.gov](mailto:Barbara_Spinka@paeb.uscourts.gov).
3. A party who wishes to use an exhibit in connection with the examination of a witness shall serve the witness with each such exhibit (with notice to all other parties) at least 24 hours prior to the Hearing.
4. If a party anticipates the possibility of offering into evidence or otherwise using exhibits at the Hearing in the party’s case in rebuttal:
 - a. On the same date as set forth in Paragraph 2, the party shall prepare a Rebuttal Exhibit List and shall e-mail the Rebuttal Exhibit List and all rebuttal exhibits to the Courtroom Deputy.
 - b. The Court will retain, without reviewing, the Rebuttal Exhibit List and the rebuttal exhibits unless and until the party seeks to use a rebuttal exhibit at the Hearing.
 - c. If a party seeks to use a rebuttal exhibit, the rebuttal exhibit will then be e-mailed to all parties participating in the Hearing and the witness. If appropriate, the court will take a short recess to allow the other parties to review the exhibit.³

² If an exhibit is on the docket, counsel may reference the applicable CM/ECF docket number rather than serving the exhibit itself on opposing counsel. However, an exhibit used in connection with the testimony of a witness must be supplied to the witness.

³ The procedures in Paragraph 3 are included because there are situations in which a party may legitimately wish to hold back a rebuttal exhibit² and use it only if necessary due to the developments

5. **FAILURE TO COMPLY STRICTLY WITH THE REQUIREMENTS OF PARAGRAPHS 1-4 MAY RESULT IN THE EXCLUSION OF EVIDENCE OFFERED DURING THE HEARING.**

Date: July 6, 2021



**PATRICIA M. MAYER
U.S. BANKRUPTCY JUDGE**

during a hearing. If no such concerns exist, nothing in this Order precludes a party from including rebuttal exhibits on the primary Exhibit List and labeling them as such.